

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3461-01
Bill No.: SB 943
Subject: Department of Natural Resources; Funerals and Funeral Directors; Cemeteries
Type: Original
Date: April 8, 2004

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
Total Estimated Net Effect on Other State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 4 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials of the **Department of Economic Development, Department of Natural Resources** and **Department of Transportation** stated that this proposal would have no fiscal impact upon any of their divisions.

<u>FISCAL IMPACT - State Government</u>	FY 2004 (10 Mo.)	FY 2005	FY 2006
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2004 (10 Mo.)	FY 2005	FY 2006
	\$0	\$0	\$0

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

This act makes revisions to the Unmarked Human Burial Act.

This act adds definitions for "burial site", "cemetery", and "Native American" and modifies the definition of "unmarked human burial" to distinguish an unmarked human burial from a cemetery. The definition of "cultural items" is modified to be consistent with the Native American Grave Protection and Repatriation Act (NAGPRA).

Jurisdiction for human remains and objects in unmarked human burials, other than those subject to criminal investigation, shall be with the state historic preservation officer. This jurisdiction will not extend to objects in state and local museums acquired before August 28, 1987. The Department of Natural Resources is granted rulemaking authority to carry out the provisions of the unmarked human burial act.

This act makes the provisions of this act applicable to human remains and associated cultural items. Local law enforcement shall have jurisdiction if the remains are involved in a criminal, as opposed to legal, investigation.

Currently, no construction shall be delayed for more than 30 days after the discovery of an unmarked human burial or skeletal remains. This act provides that additional delays of up to 30 days may be allowed with the consent of all affected persons, or if a court orders such additional delay. The act provides that reinterment may be delayed for more than one year in cases where the delay and its rationale are approved by the unmarked human burial consultation committee. When any burial site appears to be that of a Native American, the state historic preservation officer shall comply with NAGPRA.

If the state Historic Preservation officer assumes jurisdiction over a burial site, the lawful private or public owner shall have the right to continue construction or other activities after compliance with the provisions of this act. However, if the activities will result in further disturbance of the site, then the state Historic Preservation officer shall remove the remains and objects from the site and the lawful owner shall be responsible for certain costs associated with the removal. The act increases the number of annual meetings of the unmarked human burial consultation committee from one to two.

Civil penalties are created for anyone violating provisions of the Unmarked Human Burial Act. For natural persons, the penalty shall be \$1,000 per violation. For corporations and other entities,

DESCRIPTION (continued)

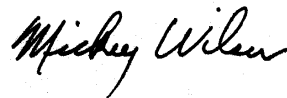
the penalty shall be \$10,000 per violation. The civil penalties can be in addition to other criminal penalties authorized by law. The Department of Natural Resources may request either the Attorney General or a local prosecuting attorney to institute actions authorized by this act.

This act contains penalty provisions.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Natural Resources
Department of Economic Development
Department of Transportation

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive, flowing style.

Mickey Wilson, CPA
Director
April 8, 2004